

CHAPTER NO. 821

HOUSE BILL NO. 2250

By Representative McDaniel

Substituted for: Senate Bill No. 2773

By Senator Haun

AN ACT to amend Tennessee Code Annotated, Title 68, Chapter 215, Part 1, relative to liability for releases from petroleum underground storage tanks.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 68-215-107(f)(8)(A), is amended by inserting the language, "the petroleum site owner or" before the language "the owner and/or operator at the petroleum site" in both places such language occurs.

SECTION 2. Tennessee Code Annotated, Section 68-215-109(a), is amended by deleting the last sentence and substituting instead the language "This fee shall be paid by or on behalf of either the tank owner or the tank operator."

SECTION 3. Tennessee Code Annotated, Section 68-215-109(d), is amended by deleting the first sentence and substituting instead the language "If a lawfully levied fee or any part of that fee is not paid by its due date, there shall be assessed against the tank owner or operator a penalty of five percent (5%) of the amount due, which shall accrue on the first day of the delinquency and be added thereto."

SECTION 4. Tennessee Code Annotated, Section 68-215-109, is amended by adding the following as new appropriately designated subsections:

(e) The certificate required pursuant to § 68-215-106(c)(1) shall not be issued until all outstanding fees and penalties assessed under this section are paid.

(f) The tank owner or operator may file with the commissioner a written petition requesting a reduction in the penalties assessed under this section, setting forth in the petition the grounds and reasons for such a request. At the commissioner's sole discretion, the commissioner may reduce the penalties that otherwise accrue pursuant to this section if, in the commissioner's opinion, the failure to pay fees was due to inadvertent error or excusable neglect; however, in no event shall the penalties be reduced to an amount less than ten percent (10%) per annum, plus statutory interest.

SECTION 5. Tennessee Code Annotated, Section 68-215-111(e)(1), is amended by deleting all language before the colon in the third sentence and substituting instead the following:

(1) The fund shall provide for cleanup of contamination caused by leaking petroleum underground storage tanks, subject to payment of outstanding petroleum underground storage tank fees pursuant to § 68-215-109(a). The board shall promulgate rules stating the amount of financial responsibility that must be incurred by either the tank owner or operator or the owner of the petroleum site, before they are eligible to receive financial assistance from the

fund. The amount of such financial responsibility for the tank owner or operator or the owner of any petroleum site for an occurrence shall be based on the number of tanks owned in the state by the tank owner as follows:

SECTION 6. Tennessee Code Annotated, Section 68-215-111(e)(2), is amended by deleting all language in subsection (A) and the language in subsection (B) that appears before the colon and substituting instead the following:

(A) The fund shall provide coverage for third party claims involving bodily injury and/or property damage caused by leaking petroleum underground storage tanks, subject to payment of outstanding petroleum underground storage tank fees pursuant to § 68-215-109(a). The board shall promulgate rules stating the amount of financial responsibility for third party claims for bodily injury and/or property damage that must be incurred by either the tank owner or operator or the owner of the petroleum site, before they are eligible to receive financial expenditures from the fund.

(B) The amount of such financial responsibility for such third party claims for the tank owner or operator or the owner of any petroleum site for an occurrence shall be based on the number of tanks owned in the state by the tank owner as follows:

SECTION 7. Tennessee Code Annotated, Section 68-215-111(e)(3), is amended by deleting the language "owner and/or operator".


SECTION 8. This act shall take effect July 1, 2002, the public welfare requiring it.

PASSED: June 19, 2002


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 27th day of June 2002


DON SUNDQUIST, GOVERNOR